

DEVELOPMENT CONDITIONS

SE 2014-MA-013

December 22, 2015

As Approved by the Board of Supervisors on January 12, 2016

With the Board of Supervisors approval of SE 2014-MA-013, located at Tax Map 61-2 ((17)) (D) 1, 3, 4 and 5 and 61-2 ((18)) 1, 2, 3, 4 and 5 for a special exception to permit a drive through pharmacy and fast food restaurants within a shopping center pursuant to Sect. 4-604 and 9-505 of the Fairfax County Zoning Ordinance, the Board conditions the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved General Development Plan and Special Exception Plat (GDP/SE Plat) titled "The Shops at Bailey's Crossroads," prepared by Kimley Horn and Associates, Inc., dated as revised through October 1, 2015, consisting of 12 sheets, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. An information sign shall be posted in the vicinity of the stacking area for the drive-through pharmacy stating the limitations on the use of the window service and/or drive-through lane. Such sign shall not exceed two (2) square feet in area.
6. No Special Exception Amendment or Proffered Condition Amendment shall be required in the event that the bus shelter shown on the General Development Plan/SE Plat in the proposed right of way along Leesburg is moved to another location along the property's Leesburg Pike frontage. Any such relocation shall be undertaken in coordination with and subject to approval from the Fairfax County Department of Transportation (FCDOT) and shall not reduce the area of the outdoor seating area.

7. Prior to site plan approval, the final design of the Leesburg Pike building zones, central plaza area and streetscape shall be subject to review and approval by the Director of the Zoning Evaluation Division, Department of Planning and Zoning. For the "Proposed Shopping Center" building, the Applicant shall provide details demonstrating uniform design elements consistent with the Fairfax County Comprehensive Plan, and outdoor seating. For the central plaza, the review shall address modifications that may be necessitated by the ultimate location of the bus shelter. The modifications that are the result of this condition shall not require a Special Exception Amendment or Proffered Condition Amendment, provided they are in substantial conformance with the GDP/SE Plat, proffers and conditions.
8. The Applicant shall diligently pursue approval from the Virginia Department of Transportation (VDOT) for the street trees to be located within the Leesburg Pike right-of-way as depicted on the GDP/SE Plat. Prior to site plan approval, the Applicant shall submit documentation of such approval from VDOT, or should approval not be granted, of the attempts made to secure approval. If approval for street trees is not granted, the Applicant shall provide alternative landscaping to consist of shrubs and ornamental grasses/perennials in a manner consistent with the shopping center landscaping, subject to review and approval by the Urban Forest Management Division.
9. Subject to VDOT approval, the street trees along Leesburg Pike shall be installed within a landscape amenity panel in their final location in order to accommodate the future widening of Leesburg Pike, including a cycle track. The mid-block trees shall be located on both sides of the central plaza to frame the plaza and bus shelter (if relocated) while maintaining adequate sight distance.
10. The building edge along the "Proposed Shopping Center" on Washington Drive shall be treated with a combination of planters, window boxes, and/or the installation of a 2-foot wide raised planter bed in order to introduce plantings to soften the building edge. The design employed should include a combination of horizontal and vertical elements appropriate to the building façade. The ultimate design selected to treat the Washington Drive building edge should complement the aesthetics of other unifying elements as depicted on Sheet 5A of the GDP/SE Plat and the proposed landscaping.
11. Interlocking concrete pavers consistent with the color and pattern recommended in the Baileys Crossroads Streetscape Revitalization Plan, shall be used in all sidewalks where pavers are shown on the GDP/SE Plat, subject to VDOT approval. The Applicant shall enter into a maintenance agreement with VDOT and/or the County for the maintenance of the pavers.
12. Notwithstanding the note on the GDP/SE Plat, the sidewalk along Charles Street from Leesburg Pike to the site entrance shall be constructed of concrete interlocking pavers consistent with those used on Leesburg Pike and Washington Drive.

13. An irrigation system shall be provided for the landscaping to be located around the perimeter of the parking lot, south of the site entrances, in order to support the health of the plantings buffering the adjoining residential areas. The system shall be designed at the time of site plan approval and be subject to approval by the Urban Forest Management Division. The system shall be installed during site construction and maintained in good operating order.

This approval, contingent on the above noted conditions, shall not relieve the Applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The Applicant shall himself be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. If the project is phased, development of the initial phase shall be considered to establish the use for the entire development as shown herein. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.